



THE CITY OF NEW YORK
LAW DEPARTMENT

100 Church Street
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

Gregory Musso
Phone: (212) 356-3159
Email: gmusso@law.nyc.gov
Assistant Corporation Counsel

November 8, 2023

BY ECF

Honorable Jessica G.L. Clarke
United States District Judge
United States Southern District Court
500 Pearl Street
New York, NY 10007

Re: SeanPaul Reyes v. City of New York et al.,
23-CV-6369 (JGLC)

Your Honor,

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant City of New York in the above-referenced action. In that capacity, I write to notify the Court that this afternoon, the Second Circuit granted defendant City's request for an administrative stay of this Court's November 2, 2023 Opinion and Order, Docket Entry No. 28 (hereinafter "Nov. 2 Order"), pending review by a three-Judge panel. A copy of that decision is annexed hereto.

As the Court is aware, on November 3, 2023, defendant City filed a Notice of Appeal of the Nov. 2 Order, which granted plaintiff's request for a preliminary injunction of NYPD Administrative Guide Procedure No. 304-21(7)¹ and ordered the removal of any signs inconsistent with said injunction. See Docket Entry No. 28, Opinion and Order.. On November 3, 2023, plaintiff moved the Court for an implementation plan regarding the measures set forth in the Nov. 2 Order, and that same day, Your Honor directed defendant to respond to same by November 6, 2023. See Docket Entry Nos. 33 & 34.

On November 6, 2023, defendant City proposed an implementation plan to the Court and further advised that the City intended to, by November 7, 2023, request an administrative stay and stay pending interlocutory appeal of the Nov. 2 Order. See Docket Entry No. 34. In that letter, defendant City further requested that, to the extent implementation of the injunctive relief set forth in the Court's Nov. 2 Order was required, the City be provided a 48-hour time period to begin such

¹ "Members of the public are not allowed to photograph and/or record police activity within Department facilities." See Administrative Guide 304-21(7)

implementation, commencing when the Second Circuit either denies defendant's forthcoming application for an administrative stay or denies defendant's forthcoming application for a stay pending appeal, whichever is earlier. See Docket Entry No. 34. On November 7, 2023, Your Honor Ordered defendant to begin specific implementation measures by November 9, 2023, unless the Second Circuit has issued an administrative stay or a stay pending appeal by that time. See Docket Entry No. 38.

As noted above, this afternoon, following the City's November 7 stay applications referenced above, the Second Circuit granted a temporary stay of the Nov. 2 Order pending review by a three-Judge panel, and accordingly referred the decision regarding a stay pending appeal to a three-Judge panel. In light of the above, at this time, defendant City awaits a decision from the Second Circuit's three-Judge panel.

Thank you for your consideration herein.

Respectfully Submitted

/s/ Gregory Musso
Gregory Musso
Senior Counsel
New York City Law Dept.

By ECF
CC: *All Attorneys of notice*